



U.S. Department of Justice

United States District Court
Southern District of New York86 Chambers Street
New York, New York 10007

July 26, 2021

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Hon. Analisa Torres
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: *Yafai, et al. v. Cuccinelli et al.*, No. 20 Civ. 2932 (AT)

Dear Judge Torres:

This Office represents the government in this action in which plaintiffs filed an amended complaint on March 15, 2021, asserting: (i) a claim of unreasonable delay relating to the processing of a visa application against the Department of State; (ii) claims under *Bivens* against Robert Molle, a senior immigration officer at USCIS, Joseph Andrews, a special agent of the Federal Bureau of Investigation, and three John Doe defendants allegedly employed by the Government; and (iii) a claim for intentional infliction of emotional distress against the United States under the Federal Tort Claims Act. The Government writes respectfully to request an extension of time, from July 27, 2021, until August 26, 2021, for the government to respond to the Complaint, and from July 27, 2021, until September 21, 2021, for Mr. Molle to respond to the Complaint. The Government also respectfully requests an adjournment of the initial conference presently scheduled for July 29, 2021, be adjourned to a date after August 26, 2021.

The Government intends to file a dispositive motion in response to the amended complaint. Rule III.B. of Your Honor's Individual Practices requires a pre-motion letter process, and additional time is needed to complete it and discuss the issues and next steps prior to its filing a response to the complaint. Thus, the Government seeks until August 26, 2021 to respond to the complaint or submit a pre-motion letter to the Court.

With regard to Robert Molle, the Department of Justice received authority to represent him on June 23, 2021, and additional time is needed to confer with him, research the issues, and respond to the complaint on his behalf. We note that Joseph Andrews was served on July 23, 2021, and his deadline to respond to the complaint is September 21, 2021. As some of the defenses of the individual defendants may be similar, in the interest of efficiency, we request that Mr. Molle's deadline be extended to the same date as for Mr. Andrews. This is the Government's second request for an extension of the time for Mr. Molle to respond to his complaint.

Finally, an adjournment of the conference will provide time for the plaintiffs' counsel to review the Government's letter regarding its anticipated motion and for the parties to discuss and potentially resolve the issues. Accordingly, the Government respectfully requests that the conference be adjourned to a date after August 26, 2021, and that the date for the parties' joint

letter and proposed case management plan be adjusted accordingly. This is the Government's second request for an adjournment of the conference.

Plaintiffs' counsel opposes the requests for an extension of the answer deadlines. Plaintiffs' counsel also opposes the request for an adjournment of the conference. In opposing these requests, Plaintiffs' counsel states that "there is no basis for a Motion to Dismiss nor have you timely met and confer pursuant to Judge Torres' Individual Rule. Our office will proceed in filing the Case Management Statement on our own. We will let the Court know that we have attempted to resolve over last week and were unable to reach an agreement as you have not complied."

I thank the Court for its consideration of this matter and apologize for the delay in filing this letter.

Respectfully submitted,

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United States Attorney


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GRANTED in part, DENIED in part. By **August 11, 2021**, the Government shall answer or otherwise respond to the complaint. By **August 27, 2021**, Defendant Molle shall answer or otherwise respond to the complaint. The conference scheduled for July 28, 2021, is ADJOURNED to **August 18, 2021**, at **11:00 a.m.** By **August 11, 2021**, the parties shall submit their joint letter and proposed case management plan.

SO ORDERED.

Dated: July 27, 2021
New York, New York



ANALISA TORRES
United States District Judge